

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/669,648

Attorney Docket No.: Q77710

AMENDMENTS TO THE DRAWINGS

Replacement sheets are provided for FIGS 2 and 3 which shows these figures clearly without any blurring.

Attachment: Two (2) Replacement Sheets

REMARKS

Claims 1-9 are all the claims pending in the application. By this Amendment, claims 1-9 are editorially amended. The amendments to claims 1-9 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1-9 were not made for reasons of patentability.

Preliminary Matters

As preliminary matters, Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received. Applicant also thanks the Examiner for initialing the references listed on Form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on January 23, 2004.

The Examiner, however, objected to the drawings because allegedly FIG_2 and FIG_3 are blurred. The drawings have been amended to remedy this minor informality. Replacement Drawings sheets without the alleged blurred portions in FIGS 2 and 3 are accompanying this response. As a result, the Examiner is respectfully requested to acknowledge receipt and indicate approval of the drawing corrections in the next Patent Office communication.

Summary of Office Action

Claims 1-9 are rejected under 35 U.S.C. § 103(a).

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1, 4, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Blanquer Gonzalez et al. (U.S. Publication No. 2003/0223428; hereinafter “Blanquer”) in view of Nemirovsky et al. (U.S. Publication No. 2002/0062435; hereinafter “Nemirovsky”). Applicant respectfully traverses these grounds of rejection at least in view of the following comments.

The Examiner asserts that Blanquer discloses the claimed feature of “each of said servers comprising a scheduler module which is independent for each of said servers” as recited in claim 1 because allegedly “Blanquer mention[s that] each server is independent from the scheduler 110 (paragraph 30)” (page 4, Office Action). Applicant respectfully submits that this position is technically inaccurate and does not adequately address the unique features of claim 1..

For example, claim 1 recites “a scheduler module which is independent for each of said servers.” In other words, even assuming *arguendo* that the Examiner’s position is not technically inaccurate, Blanquer discloses each server being independent from a single scheduler 110 and not that each server has its own independent scheduler module.

Blanquer merely discloses “partitioning the flows among the servers and scheduling them separately within each partition”(paragraph 30) where “a packetized scheduler 110 implements an aggregated resource scheduling process 1000..., to proportionally share the multiple servers 120-1 through 120-N among the competing flows (flow 1 through flow M)” (paragraph 37). According to Blanquer, the packetized scheduler 110 schedules and partitions the flows among

the servers. Further, according to FIG. 1, there is a single packetized scheduler that and is shared by servers 120_{1-N}. Blanquer fails to teach or suggest each server among a plurality of servers comprising a scheduler module, much less that the scheduler module is independent for each of said servers. In other words, Blanquer does not disclose or suggest that an independent scheduler for each of the servers. Nemirovsky does not cure this deficiency.

In addition, the combined disclosures of these references do not teach “each of said outlet ports being associated with a resource among a plurality of resources... transmission of data from a plurality of queues in a source node to a plurality of destination nodes via a plurality of outlet ports” as recited in claim 1. The Examiner acknowledges that Blanquer fails to disclose the above-quoted claimed feature, and instead relies on Nemirovsky. Specifically, the Examiner asserts that Nemirovsky “show[s] and disclose[s] that a single (output) queue in a processor/server is dedicated to one (or a set) of resources (paragraphs 0036 & 0040; fig. 1)” (page 4, Office Action).

While Nemirovsky discloses that a queue may be dedicated to one or a set of resources (paragraph 40), the Examiner is incorrect in asserting that Nemirovsky’s queues disclose the claimed outlet ports. According to Nemirovsky, instructions are fetched, decoded and placed in one or more queues within a processor 14 (Fig. 1; paragraph 40). In other words, in Nemirovsky, the scheduler 5 that allocates various resources 10-13 to the queues and the resources 10-13 are both in the processor 14. Data is not transmitted from a plurality of queues in a source node to a plurality of destination nodes via Nemirovsky’s queues. In other words, the

Nemirovsky queues do not and cannot anticipate the outlet ports via which the data is transmitted from a source node to the destination nodes.

Thus, incorporating the teachings of Nemirovsky with those of Blanquer would merely allow each of the flows_{1-M} of Blanquer to be dedicated to one or a set of resources. Neither Blanquer nor Nemirovsky, alone or in combination, teach or suggest the claimed feature of each outlet port being associated with a resource.

Accordingly, Applicant respectfully submits that claim 1 is patentable over the applied references. Claims 4 and 8 are patentable at least by virtue of their dependency on claim 1.

Claim 9 recites one or more analogous features to those discussed above with respect to claim 1. Accordingly, Applicant respectfully submits that claim 9 is patentable over the applied references for at least reasons analogous to those given above with respect to claim 1.

The Examiner has rejected claims 2 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Blanquer in view of Nemirovsky and in further in view of Applicant's admitted prior art Biroux et al. ("Quality of Service in ATM Networks: State-of-the-Art Traffic Management"; hereinafter "Biroux"), claims 3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Blanquer in view of Nemirovsky and further in view of Fan et al. (U.S. Patent No. 6,389,019; hereinafter "Fan"), and claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Blanquer in view of Nemirovsky and Fan and further in view of Biroux. Applicant respectfully traverses these grounds of rejection at least in view of the following comments.

Claims 2, 3, and 5-7 depend on claim 1. Applicants have already demonstrated that Blanquer and Nemirovsky do not suggest all features of independent claim 1. Biroux and Fan do not compensate for the above-identified deficiencies of Blanquer and Nemirovsky. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claims 2, 3, and 5-7 depend on claim 1, they are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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